

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1678, Page 1, In the Title, Lines 1 and 2, by deleting the phrase "student
2 safety at public institutions of higher education." and inserting in lieu thereof the following:

3
4 "public safety."; and

5
6 Further amend said bill, Section 173.2050, Line 22, by inserting after all of said section and line the
7 following:

8
9 "488.500. 1. If approved by a majority of the voters voting on the proposal, the governing
10 body of any county or municipality may, by order or ordinance, provide for an additional surcharge
11 in an amount of up to one dollar per case for each criminal case, including violations of any county
12 or municipal ordinance.

13 2. The ballot of submission shall be in substantially the following form:

14 For the purpose of purchasing and maintaining video cameras worn by peace officers and
15 storing information collected by such cameras, shall (city, town, village, county) be
16 authorized to impose a court surcharge not to exceed one dollar on each criminal case, including
17 municipal and county ordinance violations?

18 _____ YES NO

19
20 If a majority of voters voting thereon approve the proposal, the governing body of the county or
21 municipality may enact an order or ordinance for the collection of the surcharge. If the proposal is
22 not approved by a majority of the voters voting thereon, the governing body shall not enact such
23 order or ordinance.

24 3. No surcharge imposed under this section shall be collected when the case has been
25 dismissed by the court. The judge may waive the assessment of the surcharge in those cases in
26 which the defendant is found by the judge to be indigent and unable to pay the costs.

27 4. Such surcharges collected by municipal clerks in municipalities electing or required to
28 have violations of municipal ordinances tried before a municipal judge under section 479.020, or to
29 employ judicial personnel under section 479.060, shall be disbursed to the city at least monthly, and
30 such surcharges collected by circuit court clerks shall be collected and disbursed as provided by
31 sections 488.010 to 488.020. Such surcharges shall be payable to the county or municipality in
32 which such surcharges originated. The county or municipality shall only use the surcharge for the
33 initial purchase, maintenance, and replacement of video cameras worn by peace officers and costs
34 relating to the maintenance and storage of data collected by such video cameras.

35 590.1025. 1. Beginning January 1, 2018, all uniformed peace officers in this state shall
36 wear video cameras affixed to the peace officer's uniform while on duty. The officer-worn body

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 camera shall record any interaction between a peace officer and a member of the public and shall
2 include both audio and video. The provisions of this section shall not apply to detectives or other
3 peace officers while they are working in an undercover capacity, or to any peace officer in any
4 situation if the wearing of such a video camera would endanger the safety of the officer or the
5 public.

6 2. In order to facilitate uniformity throughout the state, the department of public safety shall
7 develop guidelines for the use of officer-worn body cameras by state and local law enforcement
8 agencies. The guidelines shall include, but not be limited to, specifications as to which peace
9 officers must wear body cameras, when body cameras must be worn and activated, restrictions on
10 the use of body cameras, the process to obtain consent of victims and witnesses before using officer-
11 worn body cameras during an interview, the retention and release of data recorded by body cameras,
12 and access to the data recording by body cameras.

13 3. State and local law enforcement agencies shall develop policies and procedures for the
14 use of officer-worn body cameras under the guidelines adopted by the department of public safety
15 under subsection 2 of this section. All recorded data shall be maintained by the law enforcement
16 agency for a minimum of sixty days.

17 4. State and local law enforcement agencies shall provide comprehensive training for all
18 peace officers regarding the use of officer-worn body cameras. Such training shall include, but not
19 be limited to, the following:

20 (1) Discussion of department policy regarding the use of officer-worn body cameras and the
21 distribution of a written copy of the official department policy on officer-worn body cameras;

22 (2) Review of all relevant state laws governing consent, evidence, privacy, and public
23 disclosure of recordings;

24 (3) Procedure for camera use; and

25 (4) Scenario-based exercises intended to replicate situations an officer could encounter
26 when using an officer-worn body camera.

27 5. The provisions of this section requiring the use of officer-worn body cameras shall apply
28 even if funding for cameras is not provided under the grant program established in section
29 590.1027.

30 590.1027. 1. The department of public safety shall develop and implement a grant program
31 to assist state and local law enforcement agencies in implementing the provisions of section
32 590.1025 including, but not limited to, the initial purchase, maintenance, and replacement of
33 officer-worn body cameras and ongoing costs relating to the maintenance and storage of data
34 recorded by officer-worn body cameras. The department shall develop guidelines for grant
35 applications and establish priorities for grant distribution.

36 2. There is hereby established in the state treasury a fund to be known as the "Law
37 Enforcement Officer-worn Body Camera Fund", which shall consist of all moneys that may be
38 appropriated to it by the general assembly and, in addition, may include any gifts, contributions,
39 grants, or bequests received from federal, state, private, or other sources. The fund shall be
40 administered by the department of public safety. The state treasurer shall be custodian of the fund
41 and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. The
42 fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely to
43 fund the purchase of officer-worn body cameras.

44 3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
45 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
46 state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
47 interest and moneys earned on such investments shall be credited to the fund.

48 4. State and local law enforcement agencies may apply to the department of public safety

1 for funding to implement the law enforcement agencies' use of officer-worn body cameras under
2 this section and section 590.1025 including, but not limited to, the initial purchase, maintenance,
3 and replacement of officer-worn cameras and ongoing costs relating to the maintenance and storage
4 of data recorded by officer-worn body cameras.

5 610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall
6 mean:

7 (1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to
8 the custody of the officer, under authority of a warrant or otherwise for a criminal violation which
9 results in the issuance of a summons or the person being booked;

10 (2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention
11 or confinement incident thereto together with the charge therefor;

12 (3) "Inactive", an investigation in which no further action will be taken by a law
13 enforcement agency or officer for any of the following reasons:

14 (a) A decision by the law enforcement agency not to pursue the case;

15 (b) Expiration of the time to file criminal charges pursuant to the applicable statute of
16 limitations, or ten years after the commission of the offense; whichever date earliest occurs;

17 (c) Finality of the convictions of all persons convicted on the basis of the information
18 contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such
19 persons;

20 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
21 specific location, name of the victim and immediate facts and circumstances surrounding the initial
22 report of a crime or incident, including any logs of reported crimes, accidents and complaints
23 maintained by that agency;

24 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
25 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response
26 to an incident report or in response to evidence developed by law enforcement officers in the course
27 of their duties;

28 (6) "Mobile video recorder", any system or device that captures visual signals that is capable
29 of installation in a vehicle, vessel, or aircraft, or being worn or carried by personnel of a law
30 enforcement agency and that includes, at a minimum, a camera and recording capabilities.

31 2. Each law enforcement agency of this state, of any county, and of any municipality shall
32 maintain records of all incidents reported to the agency, investigations and arrests made by such law
33 enforcement agency. All incident reports and arrest reports shall be open records. Notwithstanding
34 any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or
35 section 320.083, investigative reports of all law enforcement agencies are closed records until the
36 investigation becomes inactive. If any person is arrested and not charged with an offense against the
37 law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record
38 except that the disposition portion of the record may be accessed and except as provided in section
39 610.120. Notwithstanding any other provision of law to the contrary, other than the provisions of
40 subsections 4, 5, and 6 of this section or section 320.083, data from mobile video recorders in the
41 possession of law enforcement agencies are closed records.

42 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record
43 or document of a law enforcement officer or agency, other than an arrest report, which would
44 otherwise be open, contains information that is reasonably likely to pose a clear and present danger
45 to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal
46 investigation, including records which would disclose the identity of a source wishing to remain
47 confidential or a suspect not in custody; or which would disclose techniques, procedures or
48 guidelines for law enforcement investigations or prosecutions, that portion of the record shall be

1 closed and shall be redacted from any record made available pursuant to this chapter.

2 4. Any person, including a family member of such person within the first degree of
3 consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a
4 person involved in any incident or whose property is involved in an incident, may obtain any
5 records closed pursuant to this section or section 610.150 for purposes of investigation of any civil
6 claim or defense, as provided by this subsection. Any individual, his or her family member within
7 the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or
8 insurer, involved in an incident or whose property is involved in an incident, upon written request,
9 may obtain a complete unaltered and unedited incident report concerning the incident, and may
10 obtain access to other records closed by a law enforcement agency pursuant to this section. Within
11 thirty days of such request, the agency shall provide the requested material or file a motion pursuant
12 to this subsection with the circuit court having jurisdiction over the law enforcement agency stating
13 that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a
14 criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the
15 law enforcement agency, the court shall either order the record closed or order such portion of the
16 record that should be closed to be redacted from any record made available pursuant to this
17 subsection.

18 5. Any person may bring an action pursuant to this section in the circuit court having
19 jurisdiction to authorize disclosure of the information contained in an investigative report of any law
20 enforcement agency or data in the possession of a law enforcement agency from a mobile video
21 recorder, which would otherwise be closed pursuant to this section. The court may order that all or
22 part of the information contained in an investigative report or the data from a mobile video recorder
23 be released to the person bringing the action. In making the determination as to whether
24 information contained in an investigative report or data from a mobile video recorder shall be
25 disclosed, the court shall consider whether the benefit to the person bringing the action or to the
26 public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to
27 any person identified in the investigative report or captured in the data from the mobile video
28 recorder in regard to the need for law enforcement agencies to effectively investigate and prosecute
29 criminal activity. The investigative report or data from a mobile video recorder in question may be
30 examined by the court in camera. The court may find that the party seeking disclosure of the
31 investigative report or data from a mobile video recorder shall bear the reasonable and necessary
32 costs and attorneys' fees of both parties, unless the court finds that the decision of the law
33 enforcement agency not to open the investigative report or data from a mobile video recorder was
34 substantially unjustified under all relevant circumstances, and in that event, the court may assess
35 such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

36 6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction
37 for an order requiring a law enforcement agency to open incident reports, data from mobile video
38 recorders, and arrest reports being unlawfully closed pursuant to this section. If the court finds by a
39 preponderance of the evidence that the law enforcement officer or agency has knowingly violated
40 this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand
41 dollars. If the court finds that there is a knowing violation of this section, the court may order
42 payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If
43 the court finds by a preponderance of the evidence that the law enforcement officer or agency has
44 purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount
45 up to five thousand dollars and the court shall order payment by such officer or agency of all costs
46 and attorney fees, as provided in section 610.027. The court shall determine the amount of the
47 penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and
48 whether the law enforcement officer or agency has violated this section previously.

1 7. The victim of an offense as provided in chapter 566 may request that his or her identity
2 be kept confidential until a charge relating to such incident is filed."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.